

Message Text

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PAGE 01 LA PAZ 03699 170044Z

ACTION ARA-10

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TO SECSTATE WASHDC IMMEDIATE 5304

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FROM ASSISTANT SECRETARY TODMAN

E.O. 11652: N/A

TAGS: CASC, BL

SUBJECT: AMERICAN PRISONERS

1. ON MONDAY, MAY 16, I DISCUSSED SITUATION OF AMERICAN PRISONERS WITH PRESIDENT BANZER, MINISTER OF INTERIOR PEREDA, COLONEL APARACIO, AND SUB-SECRETARY OF JUSTICE LUIS BALLIVIAN, IN SEPARATE CONVERSATIONS. THE BOLIVIAN OFFICIALS, FROM THE PRESIDENT ON DOWN, GAVE ME EVERY ASSURANCE OF THEIR INTENTIONS TO CONTINUE TO PRESS FOR THE ACCELERATION OF THE JUDICIAL PROCESS FOR PRISONERS HELD IN JAILS IN BOLIVIA ON NARCOTICS CHARGES. THE BOLIVIAN AUTHORITIES WISH TO PROCEED ON THIS COURSE OF ACTION BECAUSE THEY ARE UNABLE, FOR LEGAL AND POLITICAL REASONS, TO CONSIDER AN AMNESTY FOR PRISONERS NOW UNDER JUDICIAL PROCESS ON NARCOTICS CHARGES. THE AUTHORITIES ARE WELL AWARE THAT THE PRISONS ARE ANTIQUATED AND THAT THE SERVICES WHICH THEY ARE ABLE TO PROVIDE ARE NOT UP TO THE STANDARDS WHICH MIGHT BE EXPECTED OF MORE DEVELOPED COUNTRIES. NONETHELESS, THEY GAVE ME EVERY ASSURANCE OF DOING THEIR BEST TO FACILITATE PRISONERS' ACCESS TO MEDICAL AND DENTAL CARE AND, IN PERSONS DEMONSTRABLY ILL, TO SEE THAT THEY ARE APPROPRIATELY INTERNED IN CLINICS. THEY INDICATE THAT WHILE THERE MAY HAVE BEEN SOME CASES OF

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PAGE 02 LA PAZ 03699 170044Z

EXCESSIVE ZEALOUSNESS ON THE PART OF ARRESTING OFFICERS, THERE IS A FIRM POLICY AGAINST MISTREATMENT OF ANY PRISONERS.

2. AS TO THE DELAYS IN JUDICIAL PROCESSING, THE AUTHORITIES ADMIT TO CONGESTION IN THE COURT CALENDARS, AND THE INADEQUACY OF THE INFRASTRUCTURE OF THEIR JUDICIAL SYSTEM, INCLUDING TOO FEW

JUDGES TO PROCESS THE LARGE NUMBER OF NARCOTICS CASES. THEY SAID THAT, IN LARGE MEASURE THROUGH PRESSURE BY THE AMERICAN EMBASSY, THEY HAVE INSTALLED, EFFECTIVE MAY 16, THREE NEW JUDGES AND THAT A FOURTH WILL BE ON THE JOB ON MAY 17. THEY BROUGHT TO MY ATTENTION THAT MORE HEARINGS HAVE BEEN HELD SINCE THE ENACTMENT OF THE NEW LAW IN JANUARY 1977 THAN WERE HELD IN ALL OF 1976. THE AUTHORITIES NOTED TO ME THAT MANY PRISONERS AND THEIR DEFENSE ATTORNEYS DURING 1976 DECIDED NOT TO PRESS THEIR CASES FORWARD, HOPING FOR THE ENACTMENT OF A MORE LENIENT LAW BY THE GOB. THEY ALSO UNDERLINED THE INDEPENDENCE OF THE JUDICIARY AS WELL AS MANY OF ITS ANTIQUATED PROCEDURES BASED ON A DIFFERENT SET OF LEGAL PRINCIPLES THAN THAT IN EFFECT IN THE US. THEY SAID THAT SEVERAL CASES ARE IN THEIR FINAL STAGES AND THAT SENTENCING OF SEVERAL WILL TAKE PLACE IN THE VERY NEAR FUTURE. GOB OFFICIALS STATED THAT IT IS IN THEIR OWN BEST INTERESTS TO ACCELERATE THESE CASES AND THAT THEY WILL DO EVERYTHING POSSIBLE TO BRING THIS ABOUT WHILE NECESSARILY RESPECTING THEIR LAW.

3. PRESIDENT BANZER AND THE MINISTER OF INTERIOR TOLD ME THAT THEY ARE ACTIVELY STUDYING WAYS OF APPROPRIATELY MODIFYING THE RECENTLY ENACTED LAW SO AS TO ELIMINATE THE REVIEW BY THE SUPREME COURT OF SENTENCES IN NARCOTICS CASES.

4. I INDICATED TO ALL OF THE BOLIVIANS WITH WHOM I TALKED THAT THE USG RESPECTS THE POLICY OF PROCEEDING TO ACCELERATE THE JUDICIAL PROCESS AND ASKS THAT EVERY EFFORT BE MADE TO CONTINUE THIS POLICY TO EFFECTIVE SOLUTION IN EACH OF THE CASES.

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PAGE 03 LA PAZ 03699 170044Z

5. FOLLOWING THESE CONVERSATIONS I, TOGETHER WITH AMBASSADOR STEDMAN AND CONSUL MILBURN, VISITED THE MEN'S JAIL AND THE WOMEN'S PRISON AND HELD GENERAL CONVERSATIONS WITH THE PRISONERS, ASSURING THEM OF OUR INTEREST IN THEIR WELFARE AND READINESS TO ASSIST TO EXTENT WE LEGALLY AND APPROPRIATELY COULD. VISITS WERE WELL RECEIVED.
STEDMAN

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